

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:21-cr-117

vs.

Hon. Hala Y. Jarbou

MICHAEL LEE CUNNINGHAM, JR.,

Defendant.

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**ORDER SETTING FINAL PRETRIAL AND TRIAL**

IT IS ORDERED that the **jury trial** in this matter shall commence on Monday, March 7, 2022 at 09:00 AM, at 128 Federal Building, Lansing, MI. Counsel and the parties shall be present in the courtroom at 8:30 AM to address preliminary matters.

IT IS FURTHER ORDERED that a **final pretrial conference** is set for Thursday, February 24, 2022 at 11:00 AM at 128 Federal Building, Lansing, MI. Counsel who will try this case shall appear in person at the final pretrial conference. The attendance of the defendant is required unless specifically waived.

All pretrial motions and/or motions in limine shall be heard at the time of the final pretrial conference unless otherwise notified by the Court.

IT IS FURTHER ORDERED that at the final pretrial conference the parties shall:

1. Discuss any legal issues including motions in limine or other evidentiary issues which may arise during the course of trial.
2. Enter into stipulations of uncontested facts.
3. Disclose the identity of all expert witnesses and agree, if possible, upon the qualifications of expert witnesses.
4. Agree, if possible, upon the admissibility of exhibits. The parties shall mark their exhibits for identification prior to the final pretrial conference.
5. Advise the court of the number of witnesses expected to be called at trial.
6. Review jury selection procedure.
7. If not previously made available to the other party, the government and defendant shall make available to each other at the final pretrial conference pursuant to Fed. R. Evid. 1006 all summaries which the party intends to introduce into evidence plus duplicates of the supporting documents which have been summarized.

IT IS FURTHER ORDERED that each party shall file the following not later than **five (5) business days** prior to the **final pretrial conference**:

1. Submit proposed voir dire questions. The Court will ask basic voir dire questions. Counsel for the parties will be permitted to question prospective jurors. Questioning by counsel shall not be repetitive of questions asked by the Court or of questions asked in the juror questionnaire.
2. Submit trial briefs and discuss legal issues which may arise at the trial.

IT IS FURTHER ORDERED that parties shall jointly file the following not later than **five (5) business days** prior to the **final pretrial conference**:

1. Submit a joint statement of the case defining the nature of the alleged offense and the elements of that offense.
2. Submit a joint set of jury instructions, proposed verdict form(s), and a brief statement of the nature of any disputes relative to the jury instructions. This Court uses the *6th Circuit Pattern Criminal Jury Instructions* (West Publishing). Standard instructions shall be submitted in the following form: full text, one instruction per page, completely typed out with all blanks completed, ready for submission to the jury. Other non-standard instructions shall be submitted in a similar fashion and include reference to the source of each requested instruction. Indicate objections, if any, to opposing counsel's proposed instructions, with a summary of the reasons for each objection. Prior to the final pretrial conference, the parties shall meet and confer regarding jury instructions. The parties must identify the instructions upon which they agree and disagree.

The parties must submit a copy of the joint jury instructions and joint proposed verdict form(s) compatible with Microsoft Word by e-mail to Judge Jarbou's chambers at Jarbou\_Chambers@miwd.uscourts.gov. These should be clean copies with no attorney information.

**To schedule a guilty plea, counsel shall contact Anna Seymore, Case Manager to United States District Judge Hala Y. Jarbou, (517) 853-7361. This must be done as soon as practicable, no later than 4:00 PM the Friday prior to trial.**

IT IS SO ORDERED.

Dated: February 2, 2022

/s/ Hala Y. Jarbou  
United States District Judge